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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/532,934	04/27/2005	Gerrit Cornelis Langelaar	NL 021055	3114

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EXAMINER

VAUGHAN, MICHAEL R

ART UNIT	PAPER NUMBER
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2431

MAIL DATE	DELIVERY MODE
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07/31/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/532,934	Applicant(s) LANGELAAR, GERRIT CORNELIS	
	Examiner MICHAEL R. VAUGHAN	Art Unit 2431	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 July 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10, 12-14 and 18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10, 12-14 and 18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on **7/7/09** has been entered.

Claims 11 and 15-17 have been canceled. Claims 1-10 and 12-14 have been amended. Claim 18 is added. Claims 1-10, 12-14 and 18 are pending.

Response to Amendment

Claim Objections

Claims 14 and 18 objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. It appears claims 14 and 18 are reciting a different statutory class of invention while maintaining a

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dependency to independent claims of another statutory class. These claims should be written in independent form and explicitly incorporate the limitation of the parent claims.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-7, 14, and 18 are rejected under 35 U.S.C. 112, first paragraph, as based on a disclosure which is not enabling. The step of embedding a watermark in a compressed video is critical or essential to the practice of the invention, but not included in the claim(s) is not enabled by the disclosure. See *In re Mayhew*, 527 F.2d 1229, 188 USPQ 356 (CCPA 1976). The preamble recites a "method of embedding a watermark in a compressed video signal" but the claim limitations fail to teach how this is performed.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-7, and 18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As per claims 1-7 it is unclear how the at least one parameter is used to embed a watermark in a compressed video signal. Appropriate correction is required.

As per claim 18, the scope of the invention is indefinite. It is unclear whether a program which carries out claim 1 is being claimed or a computer readable medium which carries the compressed video signal. The computer program which controls the detection of a watermark should not be on the same medium (disc) as where the watermarked video is stored. Also it is unclear what "when loaded into a computer programmed" means (emphasis added).

Response to Arguments

Applicant's arguments with respect to claims 1, 8, 10, and 12-14 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-10, 12-14, and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by USP Application Publication 2001/0053237 to Hashimoto.

As per claim 1, Hashimoto teaches a method of embedding a watermark in a compressed video signal (0010), wherein the watermark embedding process is controlled by at least one embedding parameter, the value of the embedding parameter being dependent upon the bit-rate of the compressed video signal (0011-0013).

As per claim 2, Hashimoto teaches the step of determining the bit-rate of the compressed video signal (0013).

As per claim 3, Hashimoto teaches information indicative of the bit-rate is encoded in the compressed video signal, the bit- rate being determined by decoding the information indicative of the bit-rate (0043).

As per claim 4, Hashimoto teaches the value of the embedding parameter is selected from a predetermined set of values in dependence upon the bit- rate of the compressed video signal (0044).

As per claim 5, Hashimoto teaches at least one of the robustness of the watermark signal and the observability of the watermark signal is dependent upon the embedding parameter (0011).

As per claim 6, Hashimoto teaches the value of the embedding parameter determines the watermarking technique utilized to embed the watermark in the compressed video signal (0045).

As per claim 7, Hashimoto teaches the strength of the watermark is dependent upon the value of the embedding parameter (0011).

As per claim 8, Hashimoto teaches an apparatus arranged to embed a watermark in an compressed video signal (0010), the apparatus comprising an embedding means arranged to embed a watermark in the compressed video signal utilizing an embedding process controlled by at least one embedding parameter, the value of the embedding parameter being dependent upon the bit-rate of the compressed video signal (0007-0009).

As per claim 9, Hashimoto teaches the apparatus further comprising a bit-rate determining unit arranged to determine the bit rate bit-rate of the compressed video signal (0013).

As per claim 10, Hashimoto teaches a system for control of multimedia with a watermarked information compressed video signal (0010) , the system comprising a computer processor configured to perform a plurality of operation to embed a watermark in the compressed video signal utilizing an embedding process, wherein the original compressed video signal has been watermarked by a watermarking process controlled by at least one embedding parameter, the value of the embedding parameter being dependent upon the bit-rate of the compressed video signal (0007-0009).

As per claims 12 and 13, Hashimoto teaches a method and an apparatus of detecting a watermark in a compressed video signal (0010), the method comprising analyzing an the information compressed video signal that may potentially comprise a

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watermark, so as to detect the watermark, the analyzing process being dependent upon the bit-rate of the compressed video signal (0045).

As per claim 14, Hashimoto teaches A computer readable medium configured with having stored thereon computer program instructions, arranged such that when these instructions are loaded into and executed on a computer, the instructions cause the computer to perform the method of claim 1 and wherein the compressed video signal is analyzed so as to detect the watermark, the analyzing process being dependent upon the bit-rate of the compressed video signal (0045).

As per claim 18, Hashimoto teaches a computer readable medium having stored thereon codes, the codes having encoded therein compressed video signal (0010) having embedded therein a watermark according to the method of claim 1, the codes causing, when loaded into a computer programmed, the detection of the watermark in the compressed video signal, wherein the compressed video signal is analyzed so as to detect the watermark, the analyzing process being dependent upon the bit-rate of the compressed video signal (0045).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL R. VAUGHAN whose telephone number is (571)270-7316. The examiner can normally be reached on Monday - Thursday, 7:30am

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- 5:00pm, EST. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Korzuch can be reached on 571-272-7589. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/M. R. V./

Examiner, Art Unit 2431

/Syed Zia/

Primary Examiner, Art Unit 2431